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ORDINANCE NO. _____

AN ORDINANCE OF THE BOROUGH OF WEST WYOMING TO AMEND THE CODE ENFORCEMENT ORDINANCE.

BE IT ORDAINED AND ENACTED by the COUNCIL OF THE BOROUGH OF WEST WYOMING, LUZERNE COUNTY, PENNSYLVANIA, as follows:

SECTION 1. The Code Enforcement Ordinance adopted on the 9th. day of May, 1973, establishing an office of code enforcement, designating a Code Enforcement Officer and Code Hearing Board, fixing certain duties and responsibilities relative to the administration of the various codes, is hereby amended to read as follows:

1.1 Deletions--The following sections of the Code Enforcement Ordinance are hereby deleted as follows:

- a. Section 1.2--Appointment of Code Enforcement Officer
Delete the following: "and of/or employees designated by the Westmoreland County Planning Department and/or the Redevelopment Authority of the County of Westmoreland in accordance with the Agreements provided for under Section 1.1 above. Any such Code Enforcement Officer and other personnel designated by said Department and/or Authority, pursuant to such Agreements shall be deemed to have all of the duties and powers provided in this Ordinance and in the Applicable Codes and Ordinances of the Municipality and shall represent the Municipality to the same extent as if appointed directly by the Municipality. The Council of the Municipality may also designate a Code Liason Officer who shall coordinate all local activities and responsibilities of the Municipality related to code enforcement with the Westmoreland County Planning Department and/or with the Redevelopment Authority of the County of Westmoreland.
- b. Section 3.3--Required Fees is deleted in its entirety.

1.2 Amendments--The following sections of the Code Enforcement Ordinance are hereby amended to read as follows:

- a. Section 2.3--Right of Entry--"Reasonable hour" shall be defined as any time between the hours of 9:00 A. M. and 4:00 P. M.
- b. Section 4.2--Penalties is hereby amended so that the fine imposed for each violation shall be not less than \$25.00 or more than \$300.00 and costs of prosecution.

1.3 Additions--The following sections are hereby inserted in the Code Enforcement Ordinance to read as follows:

Section 2.4--Agreement with the West Side Council of Governments--
In accordance with Section 1.1 of the Code Enforcement Ordinance of the Municipality, the Council of the Municipality hereby authorizes the Mayor and the President of Council to enter into an agreement with the West Side Council of Governments authorizing said Council of Governments to appoint any necessary personnel and authorized representative who shall serve the municipality as provided for in the Code Enforcement Ordinance of the Municipality.

Section 3.3--Required Fees--Applicants for permits required by any of the following applicable codes and ordinances shall pay, at the time of application, to the Code Enforcement Officer, for use by the Municipality, fees according to the following schedule:

a. BOCA Basic Building Code--The fees required for permits under the BOCA Basic Building Code shall be as follows:

1. New Construction and Alterations--The fee shall be based upon the total valuation, excluding the value of plumbing and electrical work and shall be determined as follows:

Where the total valuation does not exceed \$99.00--
No Fee

Where the total valuation exceeds \$99.00 but does not exceed \$299.00-----\$5.00

Where the total valuation exceeds \$299.00 but does not exceed \$699.00-----\$10.00

Where the total valuation exceeds \$699.00 but does not exceed \$1000.00-----\$15.00

Where the total valuation exceeds \$1000.00--\$3.00 per additional \$1000.00 or fraction thereof.

2. Moving of Buildings--The fee schedule shall be the same as that in Section 3.3.a.1 of this Ordinance and shall be determined from the estimated cost of new foundations and all other necessary work required to affix the structure to the site.

3. Demolition--The fee schedule shall be the same as that in Section 3.3.a.1 of this Ordinance. In addition, for any structure to be demolished which has an assessed valuation in excess of \$500.00, the applicant shall post a Bond with the Code Enforcement Officer for a sum not less than \$1500.00, which Bond shall be for the faithful performances of the demolition in accordance with the Applicable Codes and Ordinances.

- c. BOCA Basic Plumbing Code--The fee schedule shall be the same as that in Section 3.3.a.1 of this Ordinance.
- d. BOCA Basic Fire Prevention Code--A fee of not less than \$2.00 or more than \$15.00 for the establishment and operation of any use or activity provided in the BOCA Basic Fire Prevention Code where such uses require a permit.

All permits granted under any of the above Applicable Codes and Ordinances shall be good for a period of one year, provided that extensions may be requested in writing and such extensions may be granted by the Code Enforcement Officer for good reason; except that any permit granted for demolition activities shall be valid for six months only and if such demolition work is not completed within that time, any Bond posted by the applicant shall be forfeited.

SECTION 5.7--Appointment of a Representative to the West Side Council of Governments Code Hearing Board--In accordance with Sections 2.4 and 5.1 of the Code Enforcement Ordinance of this Municipality, the Council of the Municipality is hereby authorized to appoint a representative to the West Side Council of Governments' Code Hearing Board. Said Council of Governments' Code Hearing Board shall act in behalf of and instead of the Code Board of the Municipality.

- 1.4 Application--The provisions set forth in this Ordinance shall take effect immediately upon enactment of this Ordinance and shall apply throughout the entire Municipality.

SECTION 2. GENERAL PROVISIONS

- 2.1 Saving Clause--Nothing in this Ordinance shall be construed to affect any suit or proceeding now pending in any court, or any rights acquired; or any liability incurred, or any cause or causes of action accrued or existing under any or Ordinance repealed hereby. No right or remedy of any character shall be lost, impaired, or affected by this Ordinance.
- 2.2 Validity--The invalidity of any section or provision of this Ordinance shall not invalidate other sections or provisions thereof.
- 2.3 Conflict of Ordinances--Any Ordinance or part of Ordinance, conflicting with the provisions of this Ordinance, be, and the same is hereby repealed insofar as the same affects this Ordinance.